

**Aug 30, 2018**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ENRIQUE ESTRADA,

Defendant.

No. 1:16-CR-02049-SAB-1

ORDER FOLLOWING DETENTION  
REVIEW HEARING

**MOTION DENIED  
(ECF No. 139)**

**MOTION GRANTED  
(ECF No. 140)**

At Defendant's August 30, 2018, detention review hearing, Defendant was present, in custody, with Assistant Federal Defender David Fletcher. Assistant U.S. Attorney Benjamin Seal appeared for the United States via videoconference (appearing in Yakima). Both sides presented argument. U.S. Probation Officer Corey McCain was also present.

Defendant originally waived his right to contest detention at his initial appearance on the petition and thus, today's hearing is the first time the matter of detention has been litigated.

The Court has reviewed Defendant's motion to reconsider, ECF No. 139, the petition for action, ECF No. 125, and the argument of counsel.

Pursuant to 18 U.S.C. §§ 3142, 3143, this Court has taken into account the nature and circumstances of the offense charged, the weight of the evidence against the Defendant, as well as Defendant's history and characteristics, including

1 character, physical and mental condition, family ties, employment, financial  
2 resources, length of residence in the community, community ties, past conduct and  
3 history relating to alcohol and drug abuse, and also criminal history, record  
4 concerning appearance at court proceedings, whether Defendant was under  
5 supervision at the time of the alleged offense, and the nature and seriousness of the  
6 danger to the community posed by Defendant's release.

7 Defendant, in seeking release, argued that if released, he would not present a  
8 risk of flight or a danger to the safety of the community. Defendant pointed to his  
9 strong ties to the District, including his children and significant other. He advised  
10 he has no means to flee the jurisdiction. The evidence before the Court is that  
11 Defendant is in fear of harm from certain individuals, and therefore absconded  
12 from supervision nearly four months ago. Defendant further indicates that he  
13 eventually determined to seek the assistance of law enforcement, but the day after  
14 he contacted law enforcement he was placed in custody and brought before the  
15 court.

16 Pursuant to FED. R. CRIM. P. 32.1(a)(6), the Court finds Defendant has not  
17 established by clear and convincing evidence that conditions or a combination of  
18 conditions would reasonably assure his presence for further proceedings.

19 Therefore, Defendant's motion to reconsider, **ECF No. 139**, is **DENIED**.  
20 Defendant shall remain in the custody of the U.S. Marshal pending the revocation  
21 hearing or until further order of the court.

22 Defendant's motion to expedite, **ECF No. 140**, is **GRANTED**.

23 **IT IS SO ORDERED.**

24 DATED August 30, 2018.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE